

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

NICOLE ASHLEY ROMERO

Applicant for Registered Nurse License

Respondent.

Case No. 2012-724

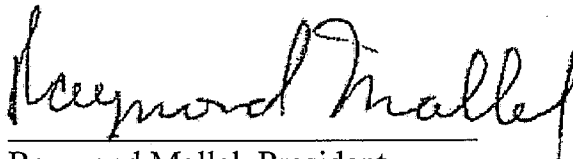
OAH No. 2012060482

DECISION

The attached proposed decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on January 14, 2013.

IT IS SO ORDERED this 14th day of December, 2012.



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
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In the Matter of the Statement of Issues
Against:

OAH No. 2012060482

NICOLE ASHLEY ROMERO,

Applicant.

PROPOSED DECISION

Administrative Law Judge Cheryl R. Tompkin, State of California, Office of Administrative Hearings, heard this matter on September 13, 2012, in Oakland, California.

Deputy Attorney General Judith J. Loach represented complainant Louise R. Bailey, M.Ed., R.N.

Respondent Nicole Ashley Romero appeared on her own behalf.

The record was held open to permit respondent to file a letter of reference from her nursing instructor. The letter was received on September 14, 2012. It was marked as Exhibit A for identification, and admitted in evidence as administrative hearsay. The matter was deemed submitted on September 14, 2012.

FACTUAL FINDINGS

1. Complainant Louise R. Bailey, M.Ed., R.N., made the Statement of Issues in her official capacity as Executive Officer of the Board of Registered Nursing (board).
2. In December 2011 the board received an application for a registered nurse (RN) license from Nicole Ashley Romero (respondent). The board denied the application on February 27, 2012, because respondent had been convicted of two misdemeanor offenses and an infraction.
3. Respondent timely appealed the denial of her application for licensure.

Respondent's Conviction History

4. On October 11, 2005, in the Superior Court of the State of California, Glenn County, respondent was convicted, upon a plea of guilty, of violating Vehicle Code sections 23103/23103.5 (reckless driving involving drugs and/or alcohol), a misdemeanor crime that is substantially related to the qualifications, functions or duties of a licensed registered nurse.

Respondent was placed on three years of court probation on terms and conditions that included, attending the First Offense Alcohol Program and payment of \$568 in fines and fees. Respondent was also ordered not to drive with any measurable alcohol in her blood, and not to drive until properly licensed and insured. Respondent successfully completed probation.

The events underlying the conviction occurred on September 17, 2005, in Oakland, California. Respondent was stopped by police officers after they observed her hit the curb when entering a parking lot, and then reenter traffic, only to stop in the middle of an intersection with her right signal blinking when she had the green light. Upon contact, the officers noted that respondent's eyes were red and that she emitted a slight odor of alcohol. Respondent admitted having an alcoholic drink several hours earlier. After the officers had respondent exit her vehicle, they performed field sobriety tests. Respondent failed the tests. Respondent was arrested for driving under the influence. A subsequent blood test revealed a blood alcohol content of 0.09 percent.

5. On April 3, 2008, in the Superior Court of the State of California, County of Santa Clara, respondent was convicted, upon a plea of nolo contendere, of violating Vehicle code section 12500 (driving without a valid license), a misdemeanor crime that is substantially related to the qualifications, functions or duties of a licensed registered nurse under the facts of this case. Respondent was ordered to pay fines and fees totaling \$347.50.

The circumstances of the conviction were that on January 16, 2008, respondent was stopped by police for speeding. During the course of the traffic stop it was determined that her license had been suspended for failure to make payments for auto insurance.

6. On January 14, 2010, in the Santa Clara County Traffic Court, respondent paid a fine for violating Business and Professions Code section 25620, subdivision (a) (open container of alcohol in a public place), an infraction.

The circumstances underlying the infraction were that on August 13, 2009, respondent was one of several passengers in a vehicle that contained an open alcohol container.

Respondent's Evidence

7. Respondent does not dispute her conviction history. With respect to her 2005 conviction for reckless driving, respondent explained that she was returning home to San Jose from a birthday party for a friend in Chico when she was stopped by police. At the time she did not believe she was intoxicated because she had waited two hours after drinking alcohol before leaving for home. Respondent acknowledges that drinking and driving was a severe lapse in

judgment, and she is sincerely remorseful for her irresponsible behavior. She realizes that it was wrong to drive with any alcohol in her system because she put herself and others at risk. Respondent was "a little scared straight" by being stopped by the police and testing over the legal limit. Now she does not drink if she is going to drive, and she generally limits her alcohol intake to wine even when she is not driving. Respondent was 20 years old at the time of her reckless driving offense and she has matured significantly since then. She is now very aware of the negative consequences of illegal conduct on her nursing career.

With respect to driving without a valid license, respondent explained that she was not aware her license was suspended until she was stopped by police. Because of her reckless driving conviction, respondent was required to have her insurance on file with the Department of Motor Vehicles (DMV). When she forgot to make her insurance payment, her license was automatically suspended. Respondent resolved the issue with her insurance company and her license was reinstated by DMV. Respondent has also paid all of the court ordered fines and fees, and has successfully completed probation.

Respondent admits being in a vehicle in which there was an open alcohol container. She explained, however, that the alcohol container was empty and was on the floor of her friend's car when she got in. She was not the driver of the vehicle, was not consuming alcohol and was not intoxicated. She credibly testified that she did not realize that simply being in a vehicle in which there was an empty alcohol container was a citable offense. She elected not to fight the infraction because she would have had to take time off from the licensed vocational nursing (LVN) program she had recently begun to contest the ticket in court. Had she realized the infraction could potentially impact her future nursing career, she would have contested the citation.

8. Respondent is currently licensed as a vocational nurse. She received her vocational nurse license in March 2010, but has not worked as a LVN. Respondent entered the registered nursing program at DeAnza Community College in the fall of 2010. She completed the registered nursing program in slightly less than a year because she was able to transfer her coursework from the vocational nurse program.

Reference Letters

9. Respondent submitted two letters of reference in support of her application for licensure. The first letter is dated October 15, 2011, and is from Cassie Hanna, R.N., M.S.N., an instructor at DeAnza College. The letter was originally written to recommend respondent for the Versant Program.¹ In her letter Hanna writes that respondent was her student for the Advanced Med-Surg rotation. She notes that respondent was a LVN transition student, and that respondent easily made the transition to the registered nursing program. Hanna also notes that respondent was able to apply what she knew as an LVN and

¹ The Versant program is a program designed to help new nurses transition from being a student to a practicing nurse.

to expand her role appropriately as she gained more experience as a registered nursing student. Hanna strongly recommended respondent.

The second letter is dated November 25, 2011, and is from Rebecca Sell, owner/operator of Kiss & Make-Up Boutique. In her letter Sell notes that respondent has been her employee for more than six years, and that respondent has always been punctual, reliable, and efficient. Sell has also found respondent to be intelligent, patient, pleasant, and a person of integrity. Sell is aware of respondent's convictions, but this does not change her opinion of respondent, who she knows regrets her past mistakes. Sell feels respondent is talented, responsible and "a perfect fit for a nurse."

Other Matters

10. Respondent is 27 years old and single. She has been continuously employed, even while attending school. She is currently working at a restaurant in New York, but plans to return to California in December and hopes to start her nursing career at that time. Becoming a nurse is respondent's longstanding career goal.

LEGAL CONCLUSIONS

1. Business and Professions Code section 480, subdivision (a)(1), authorizes the board to deny a license if the applicant has been convicted of a crime. Subdivision (a)(3) of that same section authorizes the board to deny a license if the applicant has done any act that if done by a licensee would be grounds for suspension or revocation of license.

Business and Professions Code section 2761, subdivision (a), authorizes the board to deny a license for unprofessional conduct. Subdivision (f) of that same section authorizes the board to deny license if the applicant has been convicted of an offense that is substantially related to the qualifications, functions, and duties of a registered nurse.

Business and Professions Code section 2762, subdivision (b), defines unprofessional conduct to include an individual's use of any controlled substance or any dangerous drug to an extent or in a manner dangerous or injurious to himself or herself, any other person or the public or to the extent that such use impairs his or her ability to safely practice the profession for which he or she is licensed. Subdivision (c) of that same section defines unprofessional conduct to include conviction of a criminal offense involving the consumption or self-administration of a controlled substance or dangerous drug.

2. Cause to deny respondent application for a license exists pursuant to Business and Professions Code sections 480, subdivision (a)(1), and 2761, subdivision (f), in that respondent has been convicted of crimes that are substantially related to the qualifications, functions, and duties of a registered nurse, as set forth in Factual Findings 4 and 5.

3. Cause to deny respondent application for a license exists pursuant to Business and Professions Code sections 480, subdivision (a)(1), 2761, subdivision (a), and 2762,

subdivision (c), for unprofessional conduct, in that respondent has been convicted of a criminal offense involving the consumption or self-administration of a controlled substance or dangerous drug, as set forth in Factual Finding 4.

4. Cause to deny respondent application for a license exists pursuant to Business and Professions Code sections 2761, subdivision (a) and 2762, subdivision (b), for unprofessional conduct, in that respondent used a controlled substance or other dangerous drug to an extent or in a manner dangerous or injurious to herself or the public, or to an extent that such use impaired her ability to conduct with safety to the public the practice authorized by the license, as set forth in Factual Finding 4.

5. Cause to deny respondent application for a license exists pursuant to Business and Professions Code section 480, subdivision (a)(3), in that respondent has done an act that if done by a licensee would be grounds for suspension or revocation of license.

6. Although the statement of issues alleges that cause exists under Business and Professions Code section 2761, subdivision (a), to deny respondent's license application due to her conviction of an infraction, such cause was not established. Section 2761, subdivision (a), allows denial of a license for unprofessional conduct. Being convicted of an infraction does not automatically equate to unprofessional conduct, and the conduct underlying the infraction (being a passenger in a car in which there was an open alcohol container), in and of itself does not constitute grounds for license discipline.

7. Although respondent has been convicted of two misdemeanor offenses and an infraction, several factors weigh in favor of granting her a registered nurse license.² Respondent's most serious offense, reckless driving involving alcohol, occurred seven years ago when she was only 20 years old. Respondent has matured significantly since that time. She no longer drinks and drives and makes a conscious effort to limit her alcohol intake. Respondent's second offense, in 2009, was the result of her failure to pay her insurance premium, which was a violation of her probation for the reckless driving offense. But the failure was due to an oversight or carelessness, not a blatant disregard for the law. Respondent resolved the insurance issue and successfully completed probation for both offenses. With regard to the infraction, there is no evidence respondent did any act that would constitute cause for license discipline and therefore the infraction may not serve as a bar to licensure. It is also worth noting that respondent has successfully enrolled in and completed both a vocational nurse and a registered nurse program, and has continuously maintained gainful employment. And both her nursing instructor and her long term employer support her efforts to become a nurse. After considering all of the evidence, it is

² California Code of Regulations, title 16, section 1445, sets forth criteria for evaluating the rehabilitation of an applicant. Those factors include the nature and severity of the acts, evidence of subsequent acts which could constitute grounds for denial, time that has elapsed since the acts, extent to which the applicant has complied with terms of parole, probation, restitution or other sanctions, total criminal record, expungement evidence, and rehabilitation evidence. These factors were considered in reaching a decision in this case.

determined that respondent has presented sufficient evidence of rehabilitation to justify granting her a registered nurse license on a probationary basis.

ORDER

It is hereby ordered that respondent Nicole Ashley Romero's application for licensure as a registered nurse shall be granted and a license shall be issued to respondent upon successful completion of all licensing requirements. Said license shall be immediately revoked, the order of revocation stayed, and respondent shall be placed on probation for three (3) years on the following conditions:

Severability Clause: Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. Obey all Laws: Respondent shall obey all federal, state and local laws, all statutes and regulations governing the license. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

If respondent is under a criminal court orders, including probation or parole, and the order is violated, it shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. Comply with the Board's Probation Program: Respondent shall fully comply with the conditions of Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, respondent's license will be fully restored.

3. Report in Person: Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

4. Residency, Practice, or Licensure Outside of State: Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when she resides outside of California. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

5. Submit Written Reports: Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

6. Function as a Registered Nurse: Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If respondent has not complied with this condition during the probationary term, and respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of respondent's probation period up to one year without further hearing in order to comply

with this condition. During the one-year extension, all original conditions of probation shall apply.

7. Employment Approval and Reporting Requirements: Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

8. Supervision: Respondent shall obtain prior approval from the Board regarding respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

- (a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.
- (b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours respondent works.
- (c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with respondent at least twice during each shift worked.
- (d) Home Health Care - If respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall

have person-to-person communication with respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by the respondent with or without respondent present.

9. Employment Limitations: Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

10. Complete a Nursing Course: Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to respondent after photocopying them for its records.

11. Violation of Probation: If respondent violates the conditions of her probation, the Board, after giving respondent notice and the opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation) of respondent's license.

12. License Surrender: During respondent's term of probation, if she ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the conditions of probations, respondent may surrender her license to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent will no longer be subject to the conditions of probation.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

- (a) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or
- (b) One year for a license surrendered for a mental or physical illness.

13. Abstain from Use of Psychotropic (Mood Altering) Drugs: Respondent shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of respondent's history of substance abuse and will coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

CALIFORNIA
BOARD OF REGISTERED NURSING

14. Submit to Tests and Samples: Respondent, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. The respondent is responsible for keeping the Board informed of respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and the respondent shall be considered in violation of probation.

In addition, respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If respondent fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, the respondent shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

DATED: October 15, 2012

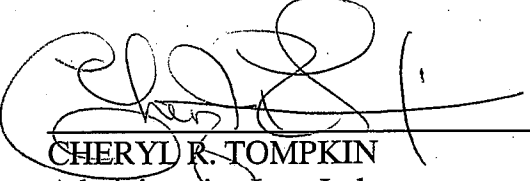

CHERYL R. TOMPKIN
Administrative Law Judge
Office of Administrative Hearings

Exhibit A

Statement of Issues Case No. 2012-724

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JUDITH J. LOACH
Deputy Attorney General
4 State Bar No. 162030
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5604
6 Facsimile: (415) 703-5480
E-mail: Judith.Loach@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:

13 **NICOLE ASHLEY ROMERO**

14
15 Applicant.

Case No. **2012-724**

16 **STATEMENT OF ISSUES**

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely
20 in her official capacity as the Interim Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about December 8, 2011, the Board of Registered Nursing, Department of
23 Consumer Affairs, received an application for a Registered Nurse License from Nicole Ashley
24 Romero ("Applicant"). On or about December 2, 2011, Nicole Ashley Romero certified under
25 penalty of perjury to the truthfulness of all statements, answers, and representations in the
26 application. The Board denied the application on February 27, 2012.

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28 ///

subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

6. Section 2765 of the Code states:

“A plea or verdict of guilty or a conviction following a plea of *nolo contendere* made to a charge substantially related to the qualifications, functions and duties of a registered nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.”

7. Section 480 of the Business and Professions Code provides, in pertinent part, that a board may deny a license if the applicant has been convicted of a crime substantially related to the qualifications, functions or duties of the business or profession for which application is made, has committed any act involving dishonesty, fraud or deceit, has committed any act which if done by a licensee would be grounds for suspension or revocation of a license, or has knowingly made a false statement of fact required to be revealed in the application.

FIRST CAUSE FOR DENIAL OF REGISTERED NURSING APPLICATION

(Criminal Conviction – Reckless Driving Involving Alcohol)

8. Applicant's registered nurse license application is subject to denial under Code sections 2761, subdivisions (a) and (f), 2762, subdivision (b) and (c), and/or 480 based on the following:

a. On or about October 11, 2005, Applicant pled guilty to a violation of Vehicle Code sections 23103 and 23103.5 [reckless driving involving drugs and/or alcohol], as misdemeanors, in the case of the *People of the State of California v. Nicole Ashley Romero*, Glenn County

1 Superior Court, Case No. 05NCR03030. Applicant was placed on three years court probation,
2 required to complete a First Offense Alcohol Program and pay court imposed fines.

3 b. The circumstances of this guilty plea are that on September 17, 2005, Applicant was
4 observed by the California Highway Patrol to be driving her vehicle in a reckless manner in
5 Orland, California. She displayed an odor of alcohol on her breath and red eyes. Applicant failed
6 field sobriety testing and a blood sample revealed a blood alcohol level of 0.09%.

7 SECOND CAUSE FOR DENIAL OF REGISTERED NURSING APPLICATION

8 (Criminal Conviction – Driving on a Suspended License)

9 9. Applicant's registered nurse license application is subject to denial under Code
10 sections 2761, subdivisions (a) and (f), and/or 480 based on the following:

11 a. On or about April 3, 2008, Applicant pled no contest to a violation of Vehicle Code
12 section 12500 [driving on a suspended license], as a misdemeanor in the case of *People of the*
13 *State of California v. Nicole Ashley Romero*, Santa Clara County Superior Court, Case No.
14 CC894510. Applicant was ordered to pay court imposed fines.

15 b. The circumstances in support of this plea are that on January 16, 2008, Applicant was
16 stopped for speeding in San Jose, California. After presenting her driver's license to the arresting
17 officer, she learned that her driver's license had been suspended by the Department of Motor
18 Vehicles, due to her failure to make payments for automobile insurance.

19 THIRD CAUSE FOR DENIAL OF REGISTERED NURSING APPLICATION

20 (Unprofessional Conduct – Open Alcohol Container in Vehicle)

21 10. Applicant's registered nurse license application is subject to denial under Code
22 sections 2761, subdivision (a), based on the following:

23 a. On or about January 14, 2010, Applicant in the Santa Clara County Traffic Court,
24 Case No. 709TR587324, paid a fine for violation of Business and Professions Code section
25 25620a [open container of alcohol in vehicle], an infraction.

26 b. The circumstances in support of this infraction are that on August 13, 2009, Applicant
27 was cited by a San Jose police for having an open container of alcohol in a vehicle in which she
28 was one of several passengers.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Nicole Ashley Romero for a Registered Nurse License;
2. Taking such other and further action as deemed necessary and proper.

DATED:

June 14, 2012

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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